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WAR FOOD ADMINISTRATION

[WFO 122]

Part 1425—CANNED AND PROCESSED FOODS
RESTRICTIONS WITH RESPECT TO CANNED
GRAPEFRUIT JUICE AND TO CANNED GRAPE-
FRUIT JUICE AND ORANGE JUICE BLENDED

The fulfillment of requirements for the defense of the United States will result in a shortage in the supply of canned grapefruit juice, and of canned grapefruit juice and orange juice blended, for defense, for private account, and for export; and the following order is deemed necessary and appropriate in the public interest and to promote the national defense;

§ 1425.13 *Restrictions with respect to canned grapefruit juice, and to canned grapefruit juice and orange juice blended*—(a) *Definitions*. (1) "Person" means any individual, partnership, corporation, association, or other business entity.

(2) "Director" means the Director of Marketing Services, War Food Administration.

(3) "Canner" means any person engaged in the business of canning foods in hermetically sealed metal or glass containers and sterilizing the same by the use of heat.

(4) "Government agency" means any officer, board, agency, commission, or Government-owned, or Government-controlled corporation of the United States, specifically designated by the Director.

(b) *Restrictions*. Notwithstanding any provisions of War Food Order No. 22-7 (9 F.R. 12333, 10 F.R. 103), on and after the effective date of this order, no canner shall sell, ship, or deliver any canned grapefruit juice, or any canned grapefruit juice and orange juice blended, to any person other than the Army of the United States, for its own account or for the account of another Government agency.

(c) *Releases from restrictions*. The Director may, notwithstanding the provisions hereof, release any canned grapefruit juice, or any canned grapefruit juice and orange juice blended, from the restrictions of this order whenever he determines that such release is necessary or appropriate in the public interest and to promote the national defense.

(d) *Audits and inspections*. The Director shall be entitled to make such audit or inspection of the books, records and other writings, premises or stocks of canned grapefruit juice, and canned grapefruit juice and orange juice blended, of any person, and to make such investigations, as may be necessary or appropriate, in the Director's discretion, to the enforcement or administration of the provisions of this order.

(e) *Records and reports*. (1) The Director shall be entitled to obtain such information from, and require such reports and the keeping of such records by, any person, as may be necessary or appropriate, in the Director's discretion, to the enforcement or administration of the provisions of this order.

(2) Every person subject to this order shall, for at least two years (or for such period of time as the Director may designate), maintain an accurate record of his transactions in canned grapefruit juice, and canned grapefruit juice and orange juice blended.

(f) *Petition for relief from hardship*. Any person affected by this order who considers that compliance herewith would work an exceptional or unreasonable hardship on him may file a petition for relief with the Order Administrator. Such petition shall be addressed to Order Administrator, War Food Order No. 122, Fruit and Vegetable Branch, Office of Marketing Services, War Food Administration, Washington 25, D. C. Petition for such relief shall be in writing and shall set forth all pertinent facts and the nature of the relief sought. The Order Administrator may take any action with reference to such petition which is consistent with the authority delegated to him by the Director. If the petitioner is dissatisfied with the action taken by the Order Administrator on the petition, he shall obtain, by requesting the Order Administrator therefor, a review of such action by the Director. The Director may, after said review, take such action as he deems appropriate, and such action shall be final. The provisions of this paragraph (f) shall not be construed to deprive the Director of authority to consider originally any petition for relief from hardship submitted in accordance herewith. The Director may consider

any such petition and take such action with reference thereto that he deems appropriate, and such action shall be final.

(g) *Violations*. Any person who violates any provision of this order may, in accordance with the applicable procedure, be prohibited from receiving, making any deliveries of, or using the material subject to priority or allocation control pursuant to this order. In addition, any person who wilfully violates any provision of this order is guilty of a crime and may be prosecuted under any and all applicable laws. Further, civil action may be instituted to enforce any liability or duty created by, or to enjoin any violation of, any provision of this order.

(h) *Delegation of authority*. The administration of this order and the powers vested in the War Food Administrator, insofar as such powers relate to the administration of this order, are hereby delegated to the Director. The Director is authorized to redelegate to any employee of the United States Department of Agriculture any or all of the authority vested in him by this order; and one such employee shall be designated by the Director to serve as Order Administrator, and one such employee shall be designated by the Director to serve as Deputy Order Administrator.

(i) *Communications*. All reports required to be filed hereunder and all communications concerning this order shall, unless otherwise provided herein or in instructions issued by the Director, be addressed to the Director of Marketing Services, War Food Administration, Washington 25, D. C., Ref. WFO 122.

(j) *Effective date*. This order shall become effective at 12:01 a. m., e. w. t., January 18, 1945.

NOTE: All record-keeping requirements of this order have been approved by, and subsequent reporting and record-keeping requirements will be subject to the approval of, Bureau of the Budget, in accordance with the Federal Reports Act of 1942.

(E.O. 9280, 7 F.R. 10179; E.O. 9322, 8 F.R. 3807; E.O. 9334, 8 F.R. 5423; E.O. 9392, 8 F.R. 14783)

Issued this 17th day of January 1945.

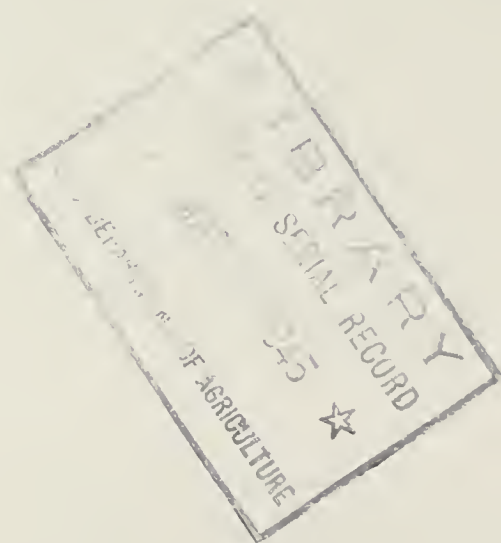
MARVIN JONES,
War Food Administrator.

War Food Administration,
Summary to WFO-122.

The War Food Administration has issued War Food Order No. 122 requiring canners of grapefruit juice and blended (orange and grapefruit) juice to confine sales, deliveries and shipments of these products to the armed forces, effective January 18, 1945.

Issuance of the order is an emergency measure, resulting from increased military requirements, and is designed to assure the availability of these commodities to meet these requirements. Canners are required under WFO 22-7 to set aside a portion of their total 1944-45 season production for Government use, including use of the military services, but

offers from current production to date have not been sufficient to meet the needs of the Army Quartermaster Corps, which purchases for all armed services. As soon as these needs are provided, the order will be revoked. Meanwhile, sale and delivery into retail channels will be confined to stocks already in wholesale and retail outlets.



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WAR FOOD ADMINISTRATION

WFO 122

AMDT. 1
JAN. 27, 1945

[WFO 122, Amdt. 1]

PART 1425—CANNED AND PROCESSED FOODS

RESTRICTIONS WITH RESPECT TO CANNED GRAPEFRUIT JUICE, CANNED ORANGE JUICE, AND CANNED GRAPEFRUIT JUICE AND ORANGE JUICE BLENDED

War Food Order No. 122 (10 F.R. 696), issued January 17, 1945, is amended to read as follows:

The fulfillment of requirements for the defense of the United States will result in a shortage in the supply of canned grapefruit juice, canned orange juice, and canned grapefruit juice and orange juice blended, for defense, for private account, and for export; and the following order is deemed necessary and appropriate in the public interest and to promote the national defense:

§ 1425.13 *Restrictions with respect to canned grapefruit juice, canned orange juice, and canned grapefruit juice and orange juice blended—(a) Definitions.* (1) "Person" means any individual, partnership, corporation, association, business trust, or any organized group of persons whether incorporated or not.

(2) "Director" means the Director of Marketing Services, War Food Administration.

(3) "Canner" means any person engaged in the business of canning foods in hermetically sealed metal or glass containers and sterilizing the same by the use of heat.

(4) "Government agency" means any officer, board, agency, commission, or Government-owned or Government-controlled corporation of the United States.

(b) *Restrictions.* Notwithstanding any provisions of War Food Order No. 22-7 (9 F.R. 12333, 10 F.R. 103), on and after the effective date of this order, no canner shall sell, ship, or deliver to any person other than the Army of the United States, for its own account or for the account of another Government agency, any one or more of the following canned citrus fruit juices produced from grapefruit or oranges grown in the State of Florida or Texas:

- (1) Canned grapefruit juice;
- (2) Canned orange juice; and
- (3) Canned grapefruit juice and orange juice blended.

(c) *Releases from restrictions.* Notwithstanding any other provision hereof, the Director may release any canned grapefruit juice, canned orange juice, or canned grapefruit juice and orange juice blended from the restrictions of this order whenever he determines that such re-

lease is necessary or appropriate in the public interest and to promote the national defense.

(d) *Audits and inspections.* The Director shall be entitled to make such audit or inspection of the books, records, and other writings, premises or stocks of canned grapefruit juice, canned orange juice, and canned grapefruit juice and orange juice blended, of any person, and to make such investigations, as may be necessary or appropriate, in the Director's discretion, to the enforcement or administration of the provisions of this order.

(e) *Records and reports.* (1) The Director shall be entitled to obtain such information from, and require such reports and the keeping of such records by, any person, as may be necessary or appropriate, in the Director's discretion, to the enforcement or administration of the provisions of this order.

(2) Every person subject to this order shall, for at least two years (or for such period of time as the Director may designate), maintain an accurate record of his transactions in canned grapefruit juice, canned orange juice, and canned grapefruit juice and orange juice blended.

(f) *Petition for relief from hardship.* Any person affected by this order who considers that compliance herewith would work an exceptional or unreasonable hardship on him may file a petition for relief with the Order Administrator. Such petition shall be addressed to Order Administrator, War Food Order No. 122, Fruit and Vegetable Branch, Office of Marketing Services, War Food Administration, Washington 25, D. C. Petition for such relief shall be in writing and shall set forth all pertinent facts and the nature of the relief sought. The Order Administrator may take any action with reference to such petition which is consistent with the authority delegated to him by the Director. If the petitioner is dissatisfied with the action taken by the Order Administrator on the petition, he shall obtain, by requesting the Order Administrator therefor, a review of such action by the Director. The Director may, after said review, take such action as he deems appropriate, and such action shall be final. The provisions of this paragraph (f) shall not be construed to deprive the Director of authority to consider originally any petition for relief from hardship submitted in accordance herewith. The Director may consider any such petition and take such action with reference thereto that he deems appropriate, and such action shall be final.

(g) *Violations.* Any person who violates any provision of this order may, in accordance with the applicable procedure, be prohibited from receiving, making any deliveries of, or using the material subject to priority or allocation control pursuant to this order. In addition, any person who wilfully violates any provision of this order is guilty of a crime and may be prosecuted under any and all applicable laws. Further, civil action may be instituted to enforce any liability or duty created by, or to enjoin any violation of, any provision of this order.

(h) *Delegation of authority.* The administration of this order and the powers vested in the War Food Administrator, insofar as such powers relate to the administration of this order, are hereby delegated to the Director. The Director is authorized to redelegate to any employee of the United States Department of Agriculture any or all of the authority vested in him by this order; and one such employee shall be designated by the Director to serve as Order Administrator, and one such employee shall be designated by the Director to serve as Deputy Order Administrator.

(i) *Communications.* All reports required to be filed hereunder and all communications concerning this order shall, unless otherwise provided herein or in instructions issued by the Director, be addressed to the Director of Marketing Services, War Food Administration, Washington 25, D. C., Ref. WFO 122.

This amendment shall become effective at 12:01 a. m., e. w. t., January 30, 1945. With respect to violations, rights accrued, liabilities incurred, or appeals taken under said War Food Order No. 122 prior to the effective time of the provisions hereof, the provisions of said War Food Order No. 122 in effect prior to the effective time hereof shall be deemed to continue in full force and effect for the purpose of sustaining any proper suit, action, or other proceeding with regard to any such violation, right, liability, or appeal.

NOTE: All record-keeping requirements of this order have been approved by, and subsequent reporting and record-keeping requirements will be subject to the approval of, Bureau of the Budget, in accordance with the Federal Reports Act of 1942.

(E.O. 9280, 7 F.R. 10179; E.O. 9322, 8 F.R. 3807; E.O. 9334, 8 F.R. 5423; E.O. 9392, 8 F.R. 14783)

Issued this 27th day of January 1945.

ASHLEY SELLERS,
Assistant War Food Administrator.

War Food Administration, Summary to WFO-122 Amendment 1.

The War Food Administration has amended War Food Order No. 122 requiring canners of orange juice produced from fruit grown in Florida and Texas to confine their sales, deliveries, and shipments to the armed forces, effective January 30, 1945.

Similar action was taken January 18,

1945, with reference to grapefruit juice and blended (orange and grapefruit) juices. Since the supply of oranges was considered ample to meet the demand, it was not contemplated at that time it would be necessary to include canned orange juice. Recently, however, shipments of this product into trade channels have been abnormally heavy, creating concern as to whether the armed forces

would be able to obtain quantities required.

The original order covered grapefruit and blended juices from fruit grown in all areas. The current amendment excludes juices from Arizona and California fruit. Arizona has just begun packing and production will not be in volume for several weeks. The California packing season does not begin until early summer.

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